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This publication provides current information on environmental activities and events relevant to U.S. Army interests in the 22 states and territories in Federal Regions 1. 2, 3 and 5. The Review is intended to be a tool useful to Department of Defense and Army environmental decision makers, planners, and program managers in carrying out their responsibilities.

When used within the framework of ISO 14001, the Northern Region Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO 14001. Information in the Review is intended for general guidance, and the reader should refer to the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations.

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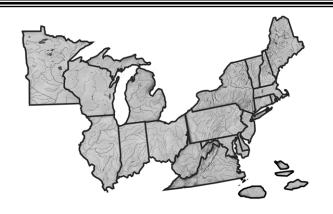
US ENVIRONMENTAL PROTECTION AGENCY NEWS

General

ADDRESS CHANGE The USEPA address for filing environmental impact statements, comments, and responses (40 CFR 1506.9) has been changed. An alternative address has been added for deliveries made in-person or by commercial express services. For further information. mail http://a257.g.akamaitech.net/7/257/2422/01jan20051800/ed ocket.access.gpo.gov/2005/05-14016.htm.

Air Quality

NSR PROVISIONS USEPA has reaffirmed the April 30, 2004 final rule relating to major New Source Review (NSR) provisions. USEPA concluded that requirements for non-attainment major NSR under the 8-hour standard will be based on a non-attainment area's classification for the 8-hour standard. States may remove 1-hour major NSR programs from State Implementation Plans (SIP), since USEPA has revoked the 1-hour standard. USEPA believes conclusions made are consistent with the Clean Air Act (CAA), including the anti-backsliding policy established for the 8hour standard, and the ability of areas to achieve reasonable further progress and attainment. Request for comment was published in the April Northern Region Review. The rule became effective on August 8, 2005. For further information, contact Larry Webber, USAEC, (410)436-1213. email: lawrence.webber@us.army.mil.



The Northern Region Review is published by the Army Northern Regional Environmental Office. We welcome your suggestions and comments.

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HOW THE REGIONAL OFFICE WORKS FOR YOU

The Northern Region Review features proposed and final rules and legislation that may affect Army or DoD operations. The Army Northern Regional Environmental Office monitors these actions closely for you. If a proposed state action might have a disproportionate effect on the Army or DoD, we coordinate with the potentially affected installations through the Installation Management Agency (IMA), National Guard, Army Reserve Office, and/or other military Services to further assess the potential impact.

If comments are warranted on a proposed action, we work with Army or Service regulatory experts to communicate our position, coordinating with the affected installations through the IMA, Guard, or Reserve offices. Comments are combined from all parties in a single DoD package and formally submitted to the state.

Want to comment on a rule or bill in the Review? Please contact your Regional Environmental Coordinator listed in the Personnel Directory on Page 1.

standards of performance standards for stationary compression ignition internal combustion engines (CI ICE). The standards would require all new, modified, and reconstructed stationary CI ICE to use the best demonstrated system of continuous emission reduction by eliminating or reducing pollutant formation, and using add-on controls. Reconstruction costs that exceed 50 percent of a comparable new engine would subject that engine to new standards. Projected standards would reduce nitrogen oxides (NO_x), particulate matter, sulfur dioxide (SO₂), non-methane hydrocarbons (NMHC), and carbon monoxide (CO) by 2015. Comments will be accepted until September 9, 2005. For further information, contact Larry Webber, USAEC, (410) 436-1213, email: lawrence.webber@us.army.mil.

DESIGNATE AND TRACK PROVISIONS USEPA has taken direct final action to amend "designate and track" provisions to account for companies performing more than one fuel production and/or distribution function. The rule will alleviate volume balance discrepancies that sometimes occur when companies perform numerous functions. The amendments will help ensure a smooth transition to ultra low-sulfur diesel fuel. The rule becomes effective August 29, 2005, unless adverse comment is received. For further information, contact Larry Webber. USAEC. (410)436-1213. email: lawrence.webber@us.army.mil.

REVIEW AND REVISION OF NAAQS **USEPA's Office of Air** Quality Planning and Standards has released a key staff paper on the review of national air quality standards for particle pollution. The "Review of the National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM): Policy Assessment of Scientific and Technical Information" presents conclusions and recommendations regarding potential revisions to the primary (health-based) and secondary (welfare-based) PM NAAQS. USEPA recommends either: revising 24-hour PM 2.5 NAAQS downward to 25-35 micrograms per cubic meter (µg/m³) of air, while retaining current annual PM 2.5 standard; or revising 24-hour PM 2.5 NAAQS downward to 30-40 µg/m³ of air, and revising the annual PM 2.5 standard downward to 12- 14 µg/m³. USEPA is recommending options for changing the statistical form of the standard. The current national primary and secondary NAAQS for PM 2.5 are 15.0 µg/m³ annual arithmetic mean concentration, and 65 $\mu g/m^3$ 24-hour average concentration. USEPA staff suggests replacing the current PM 10 standard with a new Thoracic coarse urban particulate matter (UPM10-2.5) 24-hour standard in the range of 50-70 μ g/ m³. The current national primary and secondary 24-hour ambient air quality standards for PM are 150 µg/m³, 24-hour average concentration, and 50 µg/m³, annual arithmetic mean. For further information, contact Larry Webber, USAEC, (410) 436-1213, email: lawrence.webber@us.army.mil.

NESHAP AND SSM PLANSUSEPA has reconsidered amendments to the general provisions to the NESHAP published on May 30, 2003 (68 FR 32585). USEPA is proposing to: retract the requirement to implement the plan during periods of SSM; change startup and shutdown recordkeeping; remove the SSM

plan permitting authority review requirement; and allow public access to SSM plans only if USEPA or a permitting authority takes action to obtain such a plan. Comments are due by September 12, 2005. For further information, contact Larry Webber, USAEC, (410) 436-1213, email: lawrence.webber@us.army.mil.

Toxic Substances

TOXICS RELEASE INVENTORY USEPA has published final modifications to the Toxics Release Inventory (TRI) reporting forms. The rule simplifies TRI reporting form requirements by removing data elements that are accessible via other USEPA information collection databases. The rule includes several minor reporting changes related to waste management activities, and improves access to source reduction and pollution control activities assumed by some facilities. The first reports using revised reporting requirements will be due on or before July 1, 2006 (for reporting year 2005). A notice of the proposed regulation was published in the February *Northern Region Review*. For further information, contact Craig Peters, USAEC, (410) 436-1226, email: craig.peters@us.army.mil.

PESTICIDE REGISTRATION REVIEWUSEPA is proposing procedural regulations for conducting 15-year cycled pesticide registration reviews. Beginning in 2006, the registration review would replace USEPA's pesticide re-registration and tolerance reassessment programs. Registration review would operate continuously, encompassing all registered pesticides, including antifoulant paints and wood preservatives. The pesticide review process would ensure: pesticide composition warrants proposed claims for the pesticide; labeling and other material required for submission is in compliance with requirements of the proposed regulation; the pesticide could perform its intended function with no unreasonable adverse effect on the environment; and when used in accordance with widespread and commonly recognized practices, the pesticide would not generally cause unreasonable adverse effects on the environment. Comments are due by October 11, 2005. For further information, contact Steve Bennett, USAEC, (410) 436-1565, email: steven.r.bennett@us.army.mil.

METHYL BROMIDE RISK ASSESSMENT USEPA has announced the availability of human health, environmental fate and effects risk assessments, and related documents for the fumigant methyl bromide. Methyl bromide is a broad-spectrum chemical, used as a structural fumigant for residential and commercial/industrial facilities, and for post-harvest treatment of commodities. Workers, who apply methyl bromide, in the majority of scenarios considered by USEPA, exceed the level of concern, even when appropriate mitigation measures are taken (e.g., respirators and emission reduction technology such as tarps). USEPA is concurrently assessing the risks of five other soil fumigant pesticides, including iodomethane. For further information, visit: http://www.epa.gov/oppsrrd1/reregistration/soil_fumigants/. Comments are due by September 12, 2005. For further information, contact Steve Bennett, USAEC, (410) 436-1565, email: steven.r.bennett@us.army.mil.

HAZARDOUS WASTE PERMIT

USEPA has released a final rule that provides for a standardized hazardous waste permit. New sections, 40 CFR Part 267 and 40 CFR part 270, subpart J have been added. The standardized permit will be available to: facilities that generate and store, or non-thermally treat hazardous waste on-site in tanks, containers, and containment buildings; and facilities that receive hazardous waste generated off-site by a generator facility under same ownership. To comply with standardized permitting, the facility owner must obtain a USEPA identification number using USEPA form 8700-12, submit a notice of intent, and follow the requirements in Part 267 for waste analysis, security, inspections, training, special waste handling, and location standards. Eligible portions of existing Resource Conservation and Recovery Act (RCRA) permits may be converted to the standardized permit by request. Additionally, facilities must maintain a permanent written operating record (Section 267.73). Section 267.101 requires corrective action for release of hazardous waste or constituents from any solid waste management unit at the facility. Facility closure and certification requirements apply; the closure plan must be submitted with initial notice of intent to use the standardized permit, and eligible off-site facilities must submit a waste analysis plan with notice of intent. For further information, contact Charles Harris, USAEC, (410) 436-1224, email: charles.harris@us.army.mil.

MERCURY-CONTAINING EQUIPMENT USEPA has issued a final rule that adds mercury-containing equipment to the federal list of universal wastes, regulated under RCRA hazardous waste regulations. Mercury-containing equipment includes devices, items, or articles that contain varying amounts of elemental mercury; for example, thermostats, barometers, manometers, temperature and pressure gauges, and mercury switches, such as light switches in automobiles. USEPA has concluded that regulating spent mercury-containing equipment as a universal waste will lead to better management of such equipment, and will facilitate compliance with hazardous waste requirements. The rule became effective August 5, 2005. For further information, contact Michael Eck, USAEC, (410) 436-1265, email: michael.eck@us.army.mil.

OTHER FEDERAL AGENCY NEWS

AMERICAN EEL INFORMATION SOLICITATION The U.S. Fish and Wildlife Service (USFWS) has announced a 90-day administrative finding on a petition to list the American eel (Anguilla rostrata) under the Endangered Species Act (ESA) of 1973 (70FR38849, July 6, 2005). The petition presents substantial information indicating the listing of the American eel may be warranted, and USFWS has initiated a status review to determine if listing the species is necessary. To ensure the review is comprehensive, USFWS is soliciting information and data regarding the American eel. Comments are due September 6, 2005. For further information, contact Jay Rubinoff, USAEC, (410) 436-1564, email: jay.rubinoff@us.army.mil.

5-YEAR REVIEW OF THREATENED AND ENDANGERED SPECIESUSFWS has announced a 5-year review of the endangered Virginia northern flying squirrel (Glaucomyssabrinus fuscus), Delmarva Peninsula fox squirrel (Sciurus niger cinereus), northeaster bulrush (Scirpus ancistrochaetus), and the threatened Chittenango ovate amber snail (Novisuccinea chittenangoensis), and Virginia round-leaf birch (Betula uber) under ESA. A 5-year review is a periodic process conducted to ensure that species listing classifications are accurate, based on the best scientific and commercial data available at the time of the review. USFWS is requesting submission of any such information on the Virginia northern flying squirrel, Delmarva Peninsula fox squirrel, and northeastern bulrush, available since their original listings as endangered species in 1985, 1967, and 1991, respectively. In addition, USFWS is requesting submission of any such information on the Chittenango ovate amber snail, available since its listing as a threatened species in 1978, and on the Virginia round-leaf birch, originally listed as endangered in 1978, reclassified as threatened in 1994. Comments will be accepted until September 6, 2005. Based on the results of the 5-year reviews, USFWS will make requisite findings under ESA. For further information, contact Jay Rubinoff, USAEC, (410) 436-1564, email: jay.rubinoff@us.army.mil.

BIOBASED PRODUCT CATEGORIZATION The US Department of Agriculture (USDA) is proposing amendments to the Guidelines for Designating Biobased Products for Federal Procurement (7 CFR part 2902). The rule would add six sections to designate the following items made with biobased products, and afforded federal procurement preference: mobile equipment hydraulic fluids; urethane roof coatings; water tank coatings; diesel fuel additives; penetrating lubricants; and bedding, bed linens, and towels. USDA is also proposing a minimum biobased content for each of the aforementioned items. Once USDA designates an item, federal agencies are generally required to purchase biobased products when the purchase price of the procurement item exceeds \$10,000, or where the quantity of items (or of functionally equivalent items) purchased over the preceding fiscal year equaled \$10,000 or more. USDA additionally proposes to revise section 2902.2 to add definitions for "biodegradability" and "functional unit." Section 2902.8 would be amended to adopt applicable American Society of Testing and Materials International performance tests to verify biodegradability. Comments are due by September 6, 2005. For further information, contact Charles Harris, USAEC, (410) 436-1224, email: charles.harris@us.army.mil.

PIPELINE SAFETY REGULATIONS The Department of Transportation (DOT) is proposing to update the pipeline safety regulations. The Pipeline and Hazardous Materials Safety Administration (PHMSA) proposes to adopt all or part of recent editions of 39 of the 60 standards referenced in the pipeline safety regulations for gas pipeline, hazardous liquid pipeline, and liquefied natural gas facility regulations. Comments are due September 16, 2005. For further information, contact Michael Eck, USAEC, (410) 436-1265, email: michael.eck@us.army.mil.

HAZARDOUS MATERIALS REGULATIONS DOT, PHMSA is amending the Hazardous Materials Regulations (HMR) to add a definition for "person who offers or offeror." DOT is defining "person who offers or offeror" as: any person who performs, or is responsible for performing, any pre- transportation function required by HMR; or any person who tenders or makes hazardous materials available to a carrier for transportation in commerce. DOT is clarifying that there may be more than one offeror, and that each offeror is responsible only for the specific pre-transportation functions they are required to perform. Each offeror or carrier may rely on information provided by a previous offeror or carrier, unless there is knowledge that the information provided is incorrect. For further information, contact Michael Eck, USAEC, (410) 436-1265, email: michael.eck@us.army.mil.

MEETINGS, WORKSHOPS AND CONFERENCES

Workshops/Training	WHEN	WHERE	DETAILS
Strategic Conservation Planning: Using the Green Infrastructure Approach	9/26 - 9/29	Shepherdstown, West Virginia	Through lecture, case studies, and class exercises, this course will introduce participants to: concepts and values of green infrastructure; innovative tools and techniques for planning, designing, and implementing green infrastructure networks; and successful approaches for integrating green infrastructure into local, regional, state and national land use plans, policies, practices, land protection strategies, watershed planning, and community decisions. For additional information, visit: https://otis.fws.gov/ and enter course code ECS3146.
Water Environment Federation 78th Annual Technical Exhibition and Conference	10/29 - 11/2	Washington, DC	WEFTEC.05 (Water Environment Federation's Technical Exhibition and Conference) will provide insights into developments, regulations, and research, as well as into both emerging technologies and proven approaches to everyday water quality challenges. For additional information, visit: http://www.weftec.org/index.htm .
Partners in Environmental Technology Technical Symposium & Workshop	11/29 - 12/1/05	Washington, DC	Sponsored by the Strategic Environmental Research and Development Program (SERDP) and the Environmental Security Technology Certification Program (ESTCP), the 2005 workshop theme is, "Meeting DoD's Environmental Challenges." The event will highlight SERDP and ESTCP's efforts to ensure the sustainability of military testing and training ranges and reduce current and future environmental liabilities. For further information, visit the symposium website at: http://www.serdp.org/symposiums/symposiums.html .
USEPA Watershed Assessment Tools Training	Various Times	Various Locations	USEPA is offering training on various watershed modeling or aquatic toxicity simulation tools such as BASINS, AQUATOX, and others (HSPF, SWAT, PLOAD, QUAL2K, and CORMIX). For further information visit the USEPA website at: http://www.epa.gov/waterscience/basins/training.htm .
Spray Technique Analysis and Research for Defense Training (STAR4D®)	Various Times	Cedar Falls, IA	Congress has funded the lowa Waste Reduction Center to provide training to military painters in improved techniques for the application of water-dispersible or low volatile Chemical Agent Resistant Coatings (CARC). The training is provided at no cost to military installations; installations are responsible for travel and TDY costs only. For more information, contact Rick Klein, (319) 273-8905, e-mail: rick.klein@uni.edu, or visit the website at: http://www.star4d.org/.

Workshops/Training	WHEN	WHERE	DETAILS
USDA Forest Service Continuing Education Program	Fiscal Year 2005	Multiple Locations	The Forest Service, other federal agencies, universities and private vendors sponsor the workshops and learning materials. Every workshop is offered annually (pending adequate participation), integrating current philosophies, techniques and learning methods. For a complete listing of class schedules and dates, visit the Forest Service website at: http://www.fs.fed.us/biology/education/ .
USEPA Online EMS Training Course	Any Time	Online	The course provides an overview of how environmental management systems (EMS) can support environmental programs at facilities. It also presents information regarding USEPA involvement in supporting EMS efforts at facilities regulated under environmental statutes, including Resource Conservation and Recovery Act (RCRA). The course takes about one hour to complete. The course is available at: http://www.epa.gov/epaoswer/hazwaste/permit/ems/ems-101/ems101.htm .
Qualified Recycling Program Course	Multiple Dates	Multiple Locations	The course provides training on how to identify and market recyclable materials. The course is for any person or organization that generates recyclable materials, is associated with an installation recycling program or DoD precious-metals recovery program, or works for a Defense Reutilization and Marketing Office. For further information, visit the US Army Logistics Management College Environmental Management Department course information website at: http://www.almc.army.mil/EMD/Page5.html .
USACE Various Environmental Training	Multiple Dates	Multiple Locations	The US Army Corps of Engineers Professional Development Support Center Fiscal Year 2005 course schedule is at: http://pdsc.usace.army.mil/CourseSchedule.asp . Information on various environmental courses may be found on the site either by searching with a keyword or by using the course number (CN). Courses include Environmental Regulatory Practical Application (CN 398), Hazardous Waste Manifesting/DOT Initial Certification (CN 223) (ISEERB and DoD 4500.9-R approved), and DOT Recertification (CN 429) (ISEERB and DoD 4500.9-R approved).
USEPA Regions 1, 2, 3, & 5 Training Courses	Multiple Dates	Multiple Locations	USEPA Regions 1, 2, 3, & 5 continually offer training on a variety of subjects. For further information regarding the types of courses, dates, and locations, visit USEPA's training exchange website at: www.trainex.org .

WORKSHOPS/TRAINING	WHEN	WHERE	DETAILS
Lead Paint Training	Multiple Dates	Multiple Locations	The US Department of Housing and Urban Development is sponsoring a training series on lead-based paint maintenance and lead-based paint remodelers and renovators. The courses are scheduled to be held throughout Regions 1, 2, 3, & 5. For further information and schedule updates, visit the lead listing website at: www.leadlisting.org .

CONFERENCE AND TRAINING INFORMATION ON DENIX Visit the DENIX web pages dedicated to <u>DoD conference</u> information, state conference information, and <u>DoD training opportunities</u>.



For more information on any state issues in Region 1, contact Bob Muhly, Army Regional Environmental Coordinator, Regions 1 & 2, (410) 436-7101, e-mail: Robert.Muhly@us.armv.mil.



MASSACHUSETTS

ENDANGERED SPECIES The Massachusetts Department of Fish and Game has adopted amendments to its endangered species regulations. The amendments add a new section to establish rules for priority habitat delineation, and include procedures and standards for departmental review of proposed activities in priority habitat areas. The rules move conservation management permit requirements into a new section, and add details regarding criteria for the grant of such permits. The amendments became effective July 1, 2005.



NEW HAMPSHIRE

AMBIENT GROUNDWATER QUALITY The New Hampshire Department of Environmental Services (NHDES) is proposing amendments to its ambient groundwater quality standards. The amendments would: add new health-based standards for a variety of contaminants; update existing compounds for consistency with current health information; and add federal Safe Drinking Water Act standards, specified in NHDES's drinking water rules, to provide all standards in one chart.

Region 2

For more information on any state issues in Region 2, contact Bob Muhly, Army Regional Environmental Coordinator, Regions 1 & 2, (410) 436-7101, e-mail: Robert.Muhly@us.army.mil.



NEW JERSEY

SIP REVISION USEPA is proposing to approve a revision to the NJ SIP for ozone, concerning the control of volatile organic compounds [70 FR 42019, July 21, 2005]. The revision would amend Subchapter 23, "Prevention of Air Pollution From Architectural Coatings" of 7:27 of the NJ Administrative Codes, required for meeting shortfalls in emissions reduction identified by USEPA in NJ's 1-hour ozone attainment demonstration SIP.

NJPDES RULES The New Jersey Department of Environmental Protection (NJDEP) has adopted amendments to the NJ Pollutant Discharge Elimination System (NJPDES) rules. The amendments expand the scope of permit-by-rule provisions for non-hazardous waste groundwater permits. The permits are issued as part of groundwater remediation under oversight of NJDEP's Site Remediation and Waste Management Program. The amendments include two new NJPDES permit exemptions for Hazardous Waste Facilities, and establish new technical and administrative requirements for the permit-by-rule provisions. The rules became effective July 5. 2005. For further information. http://www.nj.gov/dep/srp/regs/proposed/prop_020501_403.pdf.

NJPDES PERMITS MODIFICATION NJDEP has proposed modification of four NJPDES General Permits (Tier A Permit, Tier B Permit, Public Complex Permit, and Highway Permit) that are part of the NJ Municipal Storm Water Regulation Program. The proposal includes modifications that would develop and refine certain aspects of the four permits. NJDEP's notice of proposal can be viewed at: http://www.state.nj.us/dep/dwg/msrp_mods.html.

AIR EMISSION CONTROL STRATEGY WORKSHOP NJDEP hosted a workshop in June 2005 to develop air emission control strategies for 8-hour ozone, fine-particle pollution, and regional haze. The workshop brought together the public, representatives from local businesses, industry, environmental groups, and others to discuss air quality issues facing NJ. The workshop was part of the NJDEP's preparation for: submitting a plan by June 2007 that would meet USEPA's health-based 8-hour ozone standard by 2010; submitting a plan by April 2008 that would meet USEPA's health-based fine particle pollution standard by 2010; and submitting a preliminary plan by December 2007 that would improve visibility at the Edwin B. Forsythe National Wildlife Refuge in Brigantine. Presentation materials from the workshop can be viewed at: http://www.ni.gov/dep/airworkgroups/workshop presentations.html.

DRAFT VAPOR INTRUSION GUIDANCE NJDEP has developed Draft Vapor Intrusion (VI) Guidance to provide assistance in the evaluation of contaminated sites. The guidance document includes a discussion of the VI pathway, VI screening levels used in the evaluation of a site, sampling and analytical requirements, site specific screening options, remedial options, monitoring and maintenance requirements, community outreach, and methodology for evaluating guidance background air levels onsite. The draft document can be viewed http://www.state.nj.us/dep/srp/guidance/vaporintrusion/vig_draft.pdf.

OPERATING CONDITION CERTIFICATION Facilities operating in NJ under an approved Title V Operating Permit are required to submit an annual certification that represents operating conditions of the facility that year. NJDEP has revised the certification forms to ensure compliance. A list of affected facilities and copies of revised forms can be viewed at: http://www.state.nj.us/dep/enforcement/advisories/2005-08.htm.



NEW YORK

NAAQS REDESIGNATION USEPA is proposing to re-designate several counties in the Syracuse, NY area to attainment for the 8-hour ozone NAAQS [70 FR 39215, July 7, 2005]. The counties are: Onondaga, Madison, Cayuga, and Oswego. For further information, visit: http://www.epa.gov/fedrgstr/EPA-AIR/2005/July/Day-07/a13344.htm.

HAZARDOUS AND TOXIC CHEMICAL LIST As part of a broader effort to identify risks to the public and protect the security of critical infrastructure, Executive Law Section 714 requires the New York Department of Homeland Security (NYDHS) to promulgate a list of substances that are toxic or hazardous to public health, safety, or the environment. The list will be utilized in a deliberative process to identify facilities that store identified substances, and are at risk for unauthorized release of such substances. NYDHS indicates that the list does not require such facilities in NY to undertake any specific action, but rather serves to identify which facilities in NY will require further examination.



PUERTO RICO

REGULATION FOR THE CONTROL OF HAZARDOUS WASTEThe Puerto Rico Environmental Quality Board (PREQB) is proposing amendments to the Regulation for the Control of Hazardous Waste (RCHW). The amendments would: add the definition of "unexploded ordinance" and other relevant terms to Rule I-102; add several abbreviations to Rule I-103; and add Part XI "Unexploded Ordinance and Discarded Bulk Explosives Disposal." The amendments to the RCHW would update and harmonize PREQB's current regulations with federal regulations regarding military munitions, unexploded ordinances and explosives. There would be very little incorporation of the federal regulation, as this version would be a customized "local" version with its own language, and could be more restrictive than federal language. The proposal remains on hold; PREQB expects a decision to occur sometime in 2005. PREQB also indicates that the amendments may undergo another public comment period before being finalized.



For more information on any state issues in Region 3, contact Laura Rodman, Army Regional Environmental Coordinator, Region 3, (410) 436-7100, e-mail: Laura.Rodman@us.army.mil.



DELAWARE

FORESTRY/COMPATIBLE USE H.C.R. 31 passed the Senate July 1, 2005. The bill would require the federal government to continue funding for agriculture and forestry research programs at current levels. S.B. 21 passed the House June 29, 2005, and would etablish a Forestland Preservation Program (FPP), conducted with the successful Agricultural Lands Preservation program. The DE Agricultural Lands Preservation and the state forester would administer the FPP.

SUSTAINABLE FUELS S.B. 74 passed the House June 30, 2005. The bill would provide that when electricity is produced from burning methane gas captured from a landfill gas recovery system at facilities in operation prior to January 1, 2004, any increased use of landfill gas could not correspond with a larger increase in the facility's use of non-renewable energy resources. Benefits of electricity produced from renewable energy include: increased electric supply diversity; increased protection against price instability and supply disruption; improved transmission and distribution performance; new

economic development opportunities; improved regional and local air quality; and improved public health. Prospects for the governor's signature of the bill are favorable. For further information, visit: http://www.legis.state.de.us/LIS/LIS143.nsf/vwLegislation/SB+74?Opendocument.

STORMWATER DISCHARGE The Delaware Department of Natural Resources (DDNR) is proposing revisions to stormwater discharge regulations associated with industrial activities. The regulations would include additional federal requirements with two major revisions: allow facilities (conditionally) that are entirely sheltered from storm water a simplified way to comply with permitting requirements by submitting a "No Exposure" certification form for exclusion from monitoring and storm water plan requirements included in permits; and benchmark monitoring that would require facilities with a high potential to discharge a pollutant at concentrations of concern to conduct semi-annual analytical monitoring of samples for comparison with benchmark monitoring concentration values (used for indications of potential impairment of water quality in water bodies receiving the storm water discharge).



MARYLAND

SIP REVISION, PM STANDARDS USEPA is taking direct final action to approve revisions to the MD SIP [70 FR 38774, July 6, 2005]. The revisions provide clarification of PM standards regarding applicability to, and compliance methods for, fuel-burning equipment. The rule will become effective September 6, 2005, without further notice, unless USEPA receives adverse written comment.

SIP REVISION, NON-ATTAINMENT USEPA is proposing to approve a SIP revision submitted by the state of MD [70 FR 40946, July 15, 2005]. The SIP revision is MD's attainment plan for the Metropolitan Washington, D.C. severe 1-hour ozone non-attainment area. Concurrently, USEPA is proposing to rescind two earlier final rules that: (1) disapproved and granted a protective finding for MD's 1-hour ozone attainment plan for the Washington area; and (2) found that MD failed to submit a penalty fee program in its severe 1-hour ozone attainment plan. Upon final approval of these actions, the sanctions and Federal Implementation Plan (FIP) clocks, commenced by the two earlier rules, would be removed.

MTBE IN GROUNDWATER The Maryland Department of Environment (MDE) has withdrawn its proposal to adopt new regulations intended to prevent MTBE and other petroleum products from reaching groundwater supplies. An announcement of the proposed regulations was published in the July Northern Region Review. MDE will instead seek to adopt emergency regulations as permanent. Emergency MTBE regulations have been extended until January 2006, and MDE is currently drafting permanent MTBE regulations. The MD legislature is requiring MDE to submit a report on the viability of alternatives to the use of MTBE in gasoline sold in the state by December 1, 2005. Issues to be studied include: availability, economic impact, and environmental impact on MD of using other oxygenates; effectiveness and efficiency of bioremediation to clean isolated and widespread incidences of oil and gasoline soil contamination; and short and long-term effectiveness of bioremediation compared to other soil and groundwater decontamination methods.



PENNSYLVANIA

CLEANUP On July 13, 2005, Governor Edward Rendell approved H.B. 3. The bill establishes the Environmental Endowment Account and the Environmental Stewardship Sinking Fund; continues the Hazardous Sites Cleanup Fund; provides for intergovernmental coordination for application evaluations and fee extensions; authorizes incurring of indebtedness, sale of bonds, temporary financing and debt retirement; provides for certification and publication of certification; provides for deposit of disposal fees for sunset and for adjustments. For further information, visit: http://www.legis.state.pa.us/WU01/LI/BI/BT/2005/0/HB0003P0622.HTM.

STORAGE TANKS AND FACILITIES Only July 5, 2005, Gov. Rendell approved S.B. 722. The bill establishes regulations for storage tanks and tank facilities. S.B. 722 imposes additional powers and duties upon the PA Department of Environmental Protection (PADEP) and the PA Environmental Quality Board (PAEQB). For further information, visit: http://www.legis.state.pa.us/WU01/LI/BI/BT/2005/0/SB0722P0976.HTM.

FORESTRY Introduced June 17, 2005, S.R. 137 would establish a task force to study issues concerning renewal and management of forests in PA. For further information, visit: http://www.legis.state.pa.us/WU01/LI/BI/BT/2005/0/SR0137P0968.HTM.

POLLUTANT MINIMIZATION PLAN The Delaware River Basin Commission (DRBC) has adopted amendments to the Water Quality Regulations, Water Code and Comprehensive Plan. The rule requires non-point and point source toxic dischargers to submit a Pollutant Minimization Plan (PMP) to DRBC and the permitting agency (if any) within three months of the final rule publication or directive issuance by the executive director. DRBC, in consultation with permitting agency staff (if applicable), will review each PMP for completeness, and the executive director will issue a completeness determination, confirming that a PMP contains all components required by the rule, or identifying any deficiencies in the PMP. The amendment is found in the newly created Section 4.30.9. The scope of the rule is limited to toxic chemicals listed in Section A.1 of the rule. The rule lists polychlorinated biphenyls or "PCBs," and through notice and comment rulemaking, additional pollutants may be added to the rule. The final amendments were approved May 18, 2005, and have been incorporated into DRBC's Comprehensive Plan. For further information, visit: http://www.state.nj.us/drbc/Res2005-9final.htm.

MERCURY EMISSION CONTROLPADEP, under instruction from Gov. Rendell, is developing regulations that would limit mercury emissions from coal-fired power plants. PA would be the first major coal state to regulate mercury emissions in this way. The announcement was made May 18, 2005, shortly after Gov. Rendell joined 10 other governors in litigation with USEPA over the new federal mercury rule. PADEP plans to have draft proposed rules complete and ready for submission to PAEQB by late Summer 2005. PADEP will consider the original petition, as well as comments made by petitioners as proposed rules are formulated. For further information, visit: http://www.pennfuture.org/docs/DEP_MercuryResponse051805.pdf, and http://www.pennfuture.org/docs/petition061605.pdf.

ATTAINMENT PLANS PADEP is developing attainment plans for 8-hour ozone non-attainment areas in accordance with the Part 1 8-hour ozone implementation rule, finalized May 20, 2005. In the initial designation process, 37 PA counties were designated non-attainment for the 8-hour ozone standard. PADEP is now discussing preparation of maintenance plans and re-designation requests for the following seven areas in Pennsylvania: Harrisburg, Reading, Green County, Scranton/Wilkes-Barre, Altoona, State College, and Johnstown. PADEP is awaiting additional guidance from USEPA's Part 2 8-hour ozone implementation rule, expected in Summer 2005. The rule would address requirements for: reasonable further progress; modeling and attainment demonstrations; reasonably available control measures; and reasonably available control technology. SIP revisions would be due June 15, 2007. Preparation of maintenance plans and re-designation requests are ongoing, but will not applicable for ozone monitoring in 2005.



VIRGINIA

WETLANDS The Virginia Marine Resources Commission (VMRC) has amended its Wetland/Mitigation Compensation Policy. The revised policy, part of VA's commitment to "no net loss" of existing wetland acreage, indicates that VMRC and/or the wetlands board intend to encourage, where appropriate, compensation for all permitted tidal wetland losses. Special emphasis has been placed on vegetated wetland losses. Notable changes in the new policy include: eliminating the 1,000-square foot threshold for noncommercial projects; recognizing VA law changes that allow mitigation bank use to satisfy compensation requirements; acknowledging the potential for using in-lieu fees to fund wetland restoration or creation projects; and maintaining that in the permit approval process, proposed activities that result in wetlands loss should stand on their own merit. Compensation should not be used to justify permit issuance. In-lieu fees are to be the last resort mitigation option for offsetting wetland losses, and if incurred, must be part of an agreed upon permit condition between the applicant and VMRC or the wetlands board. The applicant must demonstrate that on-site or off-site compensation options are not practical and that no compensatory mitigation banks have been established in the project watershed. The amendments became effective July 1, 2005.



WEST VIRGINIA

HAZARDOUS WASTE MANAGEMENT The West Virginia Department of Environmental Protection (WVDEP) is proposing amendments to its Hazardous Waste Management Rule, published in the July *Northern Region Review*. The rules would incorporate two federal regulations related to hazardous waste management in 40 CFR parts 260 through 279, effective July 1, 2005. The incorporated federal rule would include a new hazardous waste, K181, into the hazardous waste definition. K181 is a hazardous non-wastewater generated from the production of certain dyes, pigments, and food, drug, and cosmetic colorants. The rule would revise the Uniform Hazardous Waste Manifest regulations, as well as the manifest and continuation forms used in hazardous waste tracking systems.

ENVIRONMENTAL EXCELLENCE PROGRAM WVDEP is proposing a rule to institute an Environmental Excellence Program. The program would establish and administer a system of promotion, recognition, and reward for superior environmental performance by WV businesses and organizations. Voluntary environmental performance that exceeds existing environmental regulatory standards would be especially encouraged. The program would be compatible with similar federal programs such as USEPA's National Environmental Performance Track Program. In addition to more effective public participation and stakeholder consensus, other program goals would include: encouraging innovation and success through measurable and verifiable goals; providing flexibility to implement pollution prevention and source reduction; lowering transaction costs; and continuing improvement towards sustainable resource usage. For further information, visit: http://www.wysos.com/adlaw/proposed/60-08.pdf.

CAIR WVDEP is proposing to adopt amendments that would incorporate the federal CAIR, as it relates to interstate transport of fine PM, ozone, nitrogen oxides (NO_x) and sulfur dioxide (SO_2) . Reducing upwind SO_2 and NO_x emissions would assist downwind particulate matter (PM2.5) and 8-hour ozone non-attainment areas in achieving NAAQS.



For more information on any state issues in Region 5, contact Tony Nesky, Army Regional Environmental Coordinator, Region 5, (410) 436-2971, e-mail: Tony.Nesky@us.army.mil.



ILLINOIS

TRANSPORTATION OF RADIOACTIVE MATERIAL The Illinois Emergency Management Agency (IEMA) has adopted amendments to update Transportation of Radioactive Material regulations. Requirements imposed by the U.S. Nuclear Regulatory Commission and USDOT are no longer consistent with requirements codified under 32 III. Adm. Code 341. The rule became effective May 2, 2005.



INDIANA

NESHAP FOR RICE The Indiana Department of Environmental Management (IDEM) has adopted a rule to incorporate by reference NESHAP for stationary reciprocating ICE. The rule became effective July 1, 2005. For further information, visit: http://www.in.gov/legislative/register/Vol28/03Dec/08P326040235.PDF.

TRANSIENT NON-COMMUNITY PUBLIC WATER SYSTEMS IDEM has proposed amendments to rules concerning transient non-community public water systems that use ground water to serve populations of 250 or less. The proposed amendments would eliminate the requirement, as part of construction permit application, for professional engineer certification on certain plans. The rules would provide additional alternative technical standards for affected systems. For further information, visit: http://www.in.gov/legislative/register/Vol28/07Apr/08P327040106.PDF.

TOTAL PETROLEUM HYDROCARBONS IDEM is developing health-based closure guidance for total petroleum hydrocarbons (TPH) that would be applied to all petroleum clean-ups. TPH would have default closure levels for weathered gasoline and diesel fuel, and a procedure for determining site-specific closure levels for TPH. Currently, IDEM is allowing site-specific determinations of closure levels only on a case-by-case basis. The guidance is in "final" form, and has been sent to stakeholders. IDEM is still receiving comments from stakeholders, and intends to submit a proposal to the Solid Waste Management Board (SWMB) by the end of September 2005. Upon approval by SWMB, it would be proposed as a No-rule Policy Document.

VOC AND HAP DEFINITION EXCLUSION IDEM has proposed amendments to 326 IAC 1-2-48, 326 IAC 1-2-33.5 and 326 IAC 1-2-90 to incorporate by reference federal exclusions of VOCs and federally de-listed hazardous air pollutants (HAP) from current corresponding definitions. For further information, visit: http://www.in.gov/legislative/register/Vol28/08May/00FRONT.PDF and http://www.in.gov/legislative/register/Vol28/10Jul/08P326050079.PDF

ORGANIC SOLVENT DEGREASERS IDEM is proposing amendments to rule 326 IAC 8-3 concerning organic solvent degreasers in nine ozone non-attainment counties in central IN, including: Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan and Shelby. The 8-hour standard is more protective of public health, and more stringent than the previous 1-hour standard. Each state must put control measures into place to bring these areas into attainment by June 15, 2009; therefore, IN must develop a plan detailing steps necessary to comply with the standard by the attainment date. IDEM is soliciting submission of alternative methods to achieve attainment, and submission of suggestions for development of a draft rule. For further information, visit: http://www.in.gov/legislative/register/Vol28/10Jul/11ID326050165.PDF.



MICHIGAN

SOIL EROSION AND SEDIMENTATION PERMITTING On June 30, 2005, Governor Jennifer Granholm singed S.B. 282 into law. The bill provides for general permits under certain circumstances regarding the soil erosion and sedimentation control program.



OHIO

RISK MANAGEMENT PLANS The Ohio Environmental Protection Agency (OEPA) has adopted revisions to the Risk Management Plan (RMP) rules, incorporating USEPA regulations. Rule 3745-104-16 now requires facility owners or operators to update operational or process changes that result from the investigation of an RMP reportable release. Rule 3745-104-38 reflects changes in submission requirements for RMPs. As of June 21, 2004, owners or operators of subject facilities have been required to include additional data elements outlined in rule 3745-104-42. Rule 3745-104-41 relieves owners or operators of facilities subject to the requirement to include in the executive summary a discussion of worst-case and alternative release scenarios. The Chemical Safety Information, Site Security and Fuels Regulatory Relief Act limited public access to certain sections of the RMP that included the offsite consequence analyses; however, it did not apply to access to the executive summary. Therefore, owners and operators have the choice of including the distances to the endpoints and population data in the executive summary. Rule 3745-104-42 will add additional data elements in the registration section of the RMP including: requirement to include the e-mail address of the emergency contact at the facility (if one exists); contractor information for facilities that have had the RMP completed by a consultant; and reason for any changes made to a previously submitted RMP. Rule 3745-104-49 will clarify the five-year anniversary date for facilities that submitted RMPs early. Facilities that have had an RMP reportable accident are required to re-submit their plan within six months of the incident. Changes in emergency contact information are required to be corrected within one month. The rules became effective July 1, 2005. For further information, visit: http://www.epa.state.oh.us/dapc/regs/regs.html.

PERMIT DURATION OEPA has amended the duration of permits to reflect a change in state law. H.B. 432, effective April 15, 2005, changed OH Revised Code 3734.02 (E)(2) by increasing the maximum duration of a hazardous waste installation and operation permit from five years to ten years. The proposed amendments were published in the May *Northern Region Review*. The rule became effective July 11, 2005.



WISCONSIN

ENCROACHMENT On July 29, 2005, Gov. Jim Doyle signed A.B. 399 into law. The bill creates a council on military and state relations, and requires that local planning or zoning committees include, as a non-voting member, a representative of a military base or installation located in or near their jurisdiction. There is an identical companion bill, S.B. 194. A notice of the proposed bill was published in the May *Northern Region Review*. For further information, visit: http://www.legis.state.wi.us/2005/data/AB-399.pdf and <a href="http://www.legis.state.wi.us/2

ASBESTOS PERMITTING The Wisconsin Department of Natural Resources (WDNR) has adopted a revision to Chapter NR 410 to increase asbestos permit exemption and inspection fees. The rule creates a fee for all costs incurred by WDNR for laboratory testing for non-residential asbestos demolition and renovation projects. The fees were approved in the fiscal year 2003-2005 budgets.

USED OIL MANAGEMENT STANDARDS WDNR is drafting a regulation to adopt federal used oil management standards. The standards would be no less stringent than the federal rule. The rule is to be part of a larger rules package, which would include revisions to used oil management standards, identification and listing, generator standards, transporter standards, treatment and disposal facility standards, land disposal restrictions and universal waste management standards. For further information, visit: http://www.dnr.state.wi.us/org/aw/wm/hazard/proprules/indexnew.htm.

U.S. Environmental Protection Agency HOTLINES

ACID RAIN

1-202-564-9620

AEROMETRIC INFORMATION RETRIEVAL SYSTEM AIR QUALITY SUBSYSTEM 1-800-334-2405 AIRS FACILITY SUBSYSTEM 1-800-367-1044

AIR RISK INFORMATION CENTER

1-919-541-0888

ANTIMICROBIAL INFORMATION

1-703-308-0127

e-mail: info_antimicrobial@epa.gov

CENTER FOR EXPOSURE ASSESSMENT MODELING

1-706-355-8400 e-mail: <u>ceam@epa.gov</u>

CLEAN AIR TECHNOLOGY CENTER

1-919-541-0800

e-mail: catcmail@epa.gov

CLEARINGHOUSE FOR INVENTORIES AND EMISSION FACTORS

1-919-541-5285

e-mail: info.chief@epa.gov

EMERGENCY PLANNING AND COMMUNITY RIGHT-

To-Know Act 1-800-424-9346

ENVIRONMENTAL JUSTICE

1-800-962-6215

e-mail: environmental-justice-epa@epa.gov

ENFORCEMENT ECONOMIC MODELS

1-888-ECONSPT (1-888-326-6778)

FEDERAL FACILITIES DOCKET

1-800-548-1016

INDOOR AIR QUALITY INFORMATION CLEARINGHOUSE

1-800-438-4318

e-mail: iaqinfo@aol.com

INSPECTOR GENERAL

1-888-546-8740

METHODS INFORMATION COMMUNICATION

EXCHANGE SERVICE

1-703-676-4690

e-mail: mice@cpmx.saic.com

NATIONAL SERVICE CENTER FOR

ENVIRONMENTAL PUBLICATIONS

1-800-490-9198

e-mail: ncepimal@one.net

NATIONAL LEAD INFORMATION CENTER

1-800-424-LEAD (1-800-424-5323)

e-mail: nlic@optimuscorp.com

NATIONAL PESTICIDE INFORMATION CENTER

1-800-858-7378

e-mail: npic@ace.orst.edu

NATIONAL RADON HOTLINE

1-800-SOS-RADON (1-800-767-7236)

e-mail: <u>airqual@nsc.org</u>

NATIONAL RESPONSE CENTER

1-800-424-8802

e-mail: lst-nrcinfo@comdt.uscg.mil

NATIONAL SMALL FLOWS CLEARINGHOUSE

1-800-624-8301

OZONE PROTECTION

1-800-296-1996

e-mail: hotline@tidalwave.net

POLLUTION PREVENTION INFORMATION CLEARINGHOUSE

1-202-566-0799

e-mail: ppic@epa.gov

RCRA, SUPERFUND AND EPCRA HOTLINE

1-800-424-9346 or TDD 1-800-553-7672

SAFE DRINKING WATER

1-800-426-4791

e-mail: hotline-sdwa@epa.gov

STORET WATER QUALITY SYSTEM

1-800-424-9067

e-mail: STORET@epa.gov

TOXIC RELEASE INVENTORY

USER SUPPORT SERVICE 1-202-566-0250

COMMUNITY RIGHT-TO-KNOW 1-800-424-9346

e-mail: tri.us@epa.gov

TOXIC SUBSTANCES CONTROL ACT

1-202-554-1404

e-mail: tsca-hotline@epa.gov

WASTEWISE

1-800-EPA-WISE (1-800-372-9473)

e-mail: ww@cais.net

WETLANDS INFORMATION

1-800-832-7828

e-mail: wetlands.helpline@epa.gov

INTERNET RESOURCES

FEDERAL SOURCES

- USAEC http://aec.army.mil
- USEPA http://www.epa.gov
 - o Region 1 http://www.epa.gov/region01/
 - o Region 2 http://www.epa.gov/region02/
 - Region 3 http://www.epa.gov/region03/http://www.epa.gov/region5/
- USDA http://www.usda.gov/
- DOI http://www.doi.gov
- Federal Register

http://www.gpoaccess.gov/fr/index.html

Code of Federal Regulations
 http://www.access.gpo.gov/nara/cfr/cfr-table-search.html

STATE / TERRITORY SOURCES

- Connecticut http://www.state.ct.us/
- Delaware http://www.state.de.us
- District of Columbia http://www.dc.gov

- http://www.illinois.gov/
- Indiana http://www.state.in.us
- Maine http://www.state.me.us
- Maryland http://www.state.md.us
- Mass. http://www.mass.gov/portal/index.jsp
- Michigan http://www.michigan.gov/
- Minnesota http://www.state.mn.us
- New Hampshire http://www.state.nh.us
- New Jersey http://www.state.nj.us
- New York
 http://www.state.ny.us
- Ohio http://www.state.oh.us
- Pennsylvania http://www.state.pa.us
- Puerto Rico http://www.gobierno.pr/
- Rhode Island http://www.state.ri.us/
- Vermont http://vermont.gov/
- Virgin Islands <u>www.usvi.org</u>
- Virginia http://www.myvirginia.org/cmsportal/
- West Virginia http://www.state.wv.us
- Wisconsin http://www.state.wi.us

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